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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,299	03/12/2001	Virginia L. Robbins	42390P10446	2107

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EXAMINER

KLIMACH, PAULA W

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,299

Applicant(s)

ROBBINS ET AL.

Examiner

Paula W. Klimach

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-11 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-11, and 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 05/09/06. The amendment filed on 05/09/06 have been entered and made of record. Therefore, presently pending claims are 1-3, 7-11 and 17-21.

Response to Arguments

Applicant's arguments filed 05/09/06 have been fully considered but they are not persuasive because of following reasons.

Arguments for claims 1-3, 7-11, and 17-20 are found persuasive and the 103 rejection has been withdrawn. The examiner has rewritten the 103 rejection for claim 21 and hopes that this will be clearer than the previous office action. The rejection for claim 21 will be maintained.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3, 7-11, and 17-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 1, 7, and 17, recites "each of said plurality of individual keys is assigned to a specific user," and although the specification discloses the generation of an individual key

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generation (page 8-9) and distribution however the specification does not seem to speak to the assigning the key to a specific user. This leads to questions such as is the key distributed to one person and therefore assigned to a specific user? Is the key assigned to a specific group of users? The distribution of the key does not necessary lead to assigning the key to a specific user. Assigning the key would require fixing or specifying in correspondence or relationship.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slavin (5,956,407) in view of Leppek (5,933,501).

In reference to claim 21, regarding distributing a plurality of individual keys to a plurality of customers, each of said plurality of individual keys being different from one another (column 4 lines 13-21). As part of the key generation Slavin teaches the repository sending Em which are keys to the receiver and the receiver generates keys from the Em.

Regarding each of the plurality of individual decryption processes being different from one another, although Slavin discloses a system that creates a decoding key as a function of the prime factors used to create the encoding key (column 6 lines 31-34), Slavin does not expressly disclose individual decryption processes that are different from one another.

Leppek discloses distributing a plurality of individual decryption processes to the plurality of customers, each of said plurality of individual decryption processes being different from one another, and each different individual decryption process to decrypt an encrypted content differently from one another (Fig. 3). The decryption key, which determines the decryption process, is sent to the user and thus the decryption process is distributed to the plurality of customers. Each of the plurality of individual decryption processes being different from one another since the decryption key is derived from the reverse of the encryption access code and the encryption access code is which differ from one another (column 4 lines 49-51). Leppek discloses further distribution of a plurality of individual encryption processes to the plurality of customers, each of said plurality of individual encryption processes being different from one another, and each different individual encryption process to encrypt content differently from one another (Fig. 2). Distribute cipher-content to the plurality of customers (Fig 3 line 11).

In the system of Leppek the individual decryption key is the only key that the will decrypt the data. Therefore only a one of the plurality of individual keys is used in conjunction with only a one of the plurality of decryption processes (column 5 lines 53-67). Furthermore each of the plurality of decryption processes and its respective individual key can decrypt cipher-content encrypted by a main encryption process (Fig. 3). Wherein the main encryption process is the database of the operators that is shared among the different communicating devices. Only the one of the plurality of individual keys is used in conjunction with only a one of the plurality of encryption processes (column 5 lines 53-67). Each of the plurality of encryption processes and its respective individual key can encrypt content to be decrypted by a main decryption process (Fig. 2).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add a system for creating a plurality of encryption sequences as in the system of Leppek to system of creating a plurality of keys of Slavin. One of ordinary skill in the art would have been motivated to do this because it would scramble the data stream having no readily discernible encryption 'footprint' (column 2 lines 25-38).

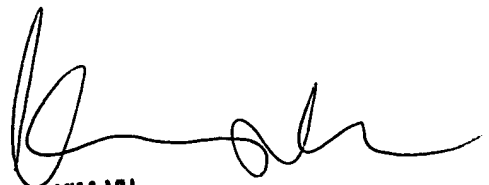
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W. Klimach whose telephone number is (571) 272-3854. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PWK
Monday, July 24, 2006


KIM VU
SUPERVISORY PATENT EXAMINER
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